

Message Text

CONFIDENTIAL

PAGE 01 MOSCOW 17670 01 OF 02 281409Z
ACTION EUR-12

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-05 H-01 INR-10
L-03 NSAE-00 PA-01 SP-02 SS-15 NSCE-00 SSO-00
ICAE-00 INRE-00 A-01 PER-01 SY-05 ACDA-12 CPR-03
OPR-02 HA-05 /079 W
-----123296 281424Z /42

O 281359Z JUL 78
FM AMEMBASSY MOSCOW
TO SECSTATE WASHDC IMMEDIATE 4875
INFO AMCONSUL LENINGRAD

C O N F I D E N T I A L SECTION 01 OF 02 MOSCOW 17670

E.O. 11652: GDS
TAGS: PDIP, UR, US
SUBJECT: EMBASSY PROTESTS BURMAN INCIDENT

REF: MOSCOW 17596

1. AFTER REPEATED UNSUCCESSFUL ATTEMPTS TO ARRANGE APPROPRIATE LEVEL MEETINGS WITH MFA OFFICIALS TO DISCUSS BURMAN INCIDENT (EMBASSY FIRST TRIED TO GET APPOINTMENT FOR DCM WITH USA DIVISION CHIEF KOMPLEKTOV, WHO WAS UNAVAILABLE, THEN FOR ACTING POL COUNSELOR WITH USA DEPUTY DIRECTOR ISAKOV, ALSO UNAVAILABLE), ACTING POL COUNSELOR CALLED ON USA DIVISION FIRST SECRETARY BABENKO AT NOON JULY 28 TO DELIVER PROTEST NOTE, TEXT OF WHICH FOLLOWS.

2. BEGIN TEXT: THE EMBASSY OF THE UNITED STATES OF AMERICA STRONGLY PROTESTS THE MANHANDLING OF UNITED STATES DIPLOMAT HAROLD S. BURMAN BY A SOVIET MILITIAMAN AT THE NORTH VEHICULAR ENTRANCE TO THE
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 MOSCOW 17670 01 OF 02 281409Z

EMBASSY AT APPROXIMATELY 4:20 P.M., JULY 27, 1978.
MR. BURMAN, A MEMBER OF THE LEGAL ADVISOR'S OFFICE OF THE DEPARTMENT OF STATE, WHO WAS IN MOSCOW ON TEMPORARY DUTY AT THE EMBASSY FROM JULY 2 TO JULY 27, APPROACHED THE EMBASSY ENTRANCE ON FOOT AT THE AFOREMENTIONED TIME. HE WAS ACCOMPANIED BY ANOTHER U.S. OFFICIAL, STATE DEPARTMENT INTERPRETER

IGOR KOZAK. THE SOVIET MILITIAMAN AT THE ENTRANCE
ASKED THE TWO AMERICAN OFFICIALS FOR THEIR DOCUMENTS.
BOTH ADVISED HIM THAT THEY WORKED AT THE
EMBASSY, BURMAN SPEAKING IN ENGLISH AND KOZAK IN
RUSSIAN.

AT THIS POINT THE MILITIAMAN MOVED AGGRESSIVELY
TOWARD BURMAN AND KOZAK, PHYSICALLY BLOCKING THEIR
ENTRANCE TO THE EMBASSY. BURMAN STATED THAT THE
MILITIAMAN HAD NO RIGHT TO PREVENT HIM FROM
ENTERING THE EMBASSY. THE MILITIAMAN THEN
SHOVED BURMAN BACKWARDS SEVERAL TIMES. THE
MILITIAMAN CONTINUED THIS OUTRAGEOUS BEHAVIOR
EVEN AFTER BEING TOLD BY A SOVIET EMPLOYEE OF THE
EMBASSY AND BY ANOTHER MILITIAMAN THAT BURMAN
AND KOZAK WORKED AT THE EMBASSY. THEY WERE ABLE
TO ENTER THE EMBASSY ONLY AFTER THE SECOND
MILITIAMAN PHYSICALLY RESTRAINED THE FIRST. KOZAK
SUBSEQUENTLY RETURNED AND ASKED THE MILITIAMAN
FOR HIS IDENTIFICATION. THE LATTER REFUSED TO
PRODUCE IT AND RESPONDED RUDELY TO THE REQUEST.
BURMAN AND KOZAK HAD BOTH PASSED THIS SAME MILITIAMAN
WITHOUT PROBLEMS ON AT LEAST SEVERAL PREVIOUS
OCCASIONS WHILE ENTERING THE EMBASSY.

THIS IS THE LATEST IN A SERIES OF ACTIONS BY
CONFIDENTIAL

CONFIDENTIAL

PAGE 03 MOSCOW 17670 01 OF 02 281409Z

SOVIET MILITIAMEN AT THE EMBASSY DIRECTED AGAINST
UNITED STATES DIPLOMATIC PERSONNEL. THIS BEHAVIOR,
WHICH HAS BEEN PROTESTED IN PREVIOUS EMBASSY NOTES
(NOS. 478, 1310 AND 1338), HAS RANGED FROM RUDE
REMARKS THROUGH PHYSICAL BLOCKING OF THE ENTRANCE
TO ACTUAL PHYSICAL ASSAULTS AGAINST U.S. DIPLOMATS,
AS IN THIS CASE. THE SOVIET GOVERNMENT IS
OBLIGED UNDER THE VIENNA CONVENTION TO PROVIDE
U.S. DIPLOMATS FREE AND UNRESTRICTED ACCESS TO
THEIR OFFICES. IN THE MOST RECENT CASE THE SOVIET
MILITIAMAN NOT ONLY DEMANDED IDENTIFICATION, A
DEMAND WITH WHICH A UNITED STATES DIPLOMAT IS NOT
OBLIGED TO COMPLY UNDER THE TERMS OF THE VIENNA
CONVENTION, BUT ALSO PHYSICALLY ASSAULTED A
U.S. DIPLOMAT WHO MERELY ASSERTED THAT THE MILITIA-
MAN HAD NO RIGHT TO BLOCK HIS ENTRY INTO THE
EMBASSY. THE SOVIET GOVERNMENT'S OBLIGATION TO
PREVENT THIS SORT OF BEHAVIOR BY ITS POLICE FORCES
IS FUNDAMENTAL TO THE CARRYING OUT OF NORMAL DIPLO-
MATIC INTERCOURSE. RESPONSIBILITY FOR THE CONSE-
QUENCES NOT ONLY OF FAILING TO FULFILL ITS
OBLIGATIONS UNDER THE VIENNA CONVENTION ON DIPLOMATIC

RELATIONS BUT ALSO FOR EMPLOYING ITS POLICE
FORCES FLAGRANTLY AND PUBLICLY TO VIOLATE THOSE
OBLIGATIONS, WILL REST SOLELY WITH THE SOVIET SIDE.
THE EMBASSY DEMANDS AN APOLOGY FOR THIS INCIDENT,
TRANSFER OF THE MILITIAMAN INVOLVED, AND
ASSURANCES THAT INSTRUCTIONS HAVE BEEN GIVEN TO
THE SOVIET MILITIA WHICH WILL PRECLUDE ANY FURTHER
OUTRAGEOUS BEHAVIOR OF THIS KIND. END TEXT.

3. BABENKO RESPONDED BY SAYING THAT HE DID NOT
KNOW THE CIRCUMSTANCES OF THE INCIDENT, BUT THAT
BASED ON PAST EXPERIENCE HE SUSPECTED THAT THE
DETAILS AS OUTLINED IN EMBASSY NOTE
DID NOT CORRESPOND TO REALITY. THEREFORE, SAID
CONFIDENTIAL

CONFIDENTIAL

PAGE 04 MOSCOW 17670 01 OF 02 281409Z

BABENKO, HE COULD NOT ACCEPT EMBASSY'S PROTESTS
(ALTHOUGH HE DID ACCEPT THE NOTE). AS TO THE
MILITIAMEN, HE CONTINUED, THEY ARE RESPONSIBLE
FOR THE SECURITY OF U.S. DIPLOMATIC PERSONNEL.

CONFIDENTIAL

NNN

CONFIDENTIAL

PAGE 01 MOSCOW 17670 02 OF 02 281411Z
ACTION EUR-12

INFO OCT-01 ISO-00 CIAE-00 DODE-00 NSAE-00 NSCE-00
SSO-00 ICAE-00 INRE-00 PM-05 H-01 INR-10 L-03
PA-01 SP-02 SS-15 A-01 PER-01 SY-05 ACDA-12
CPR-03 OPR-02 HA-05 /079 W
-----123345 281425Z /46

O 281359Z JUL 78

FM AMEMBASSY MOSCOW

TO SECSTATE WASHDC IMMEDIATE 4876

INFO AMCONSUL LENINGRAD

C O N F I D E N T I A L SECTION 02 OF 02 MOSCOW 17670

BECAUSE OF THE POSSIBILITY OF UNFORTUNATE CONSE-

QUENCES, THEY CANNOT TAKE A CHANCE AND LET AN UNKNOWN FACE GET BY.

4. ACTING POL COUNSELOR ANSWERED THAT, SPEAKING PERSONALLY, HE COULD ASSURE BABENKO THAT EMBASSY HAD NO INTEREST IN EXAGGERATING THE FACTS OF THESE SERIOUS INCIDENTS. BUT WE DID HAVE A STRONG INTEREST IN ENSURING UNIMPEDED ACCESS TO THE EMBASSY FOR OUR PERSONNEL. REPEATING DETAILS CONTAINED IN NOTE, ACTING POL COUNSELOR INSISTED THAT THERE COULD BE NO DOUBT AS TO WHAT HAPPENED. THE LOGIC OF THE SOVIET GOVERNMENT'S POSITION APPEARED TO BE THAT IN ORDER TO PROTECT U.S. DIPLOMATS, PHYSICAL FORCE HAD TO BE USED AGAINST THEM. THE FACT THAT THE USA DIVISION OF THE MINISTRY OF FOREIGN AFFAIRS WAS UNAWARE OF THE CURRENT INCIDENT SEEMED SYMPTOMATIC OF THE INADEQUATE ATTENTION PRESENTLY BEING PAID TO THIS PROBLEM BY THE SOVIET SIDE.

CONFIDENTIAL

CONFIDENTIAL

PAGE 02 MOSCOW 17670 02 OF 02 281411Z

5. BABENKO REITERATED THAT THE MILITIAMEN WERE ONLY DOING THEIR DUTY; ACTING POL COUNSELOR REITERATED EMBASSY'S PROTEST.

6. COMMENT: BESIDES APPARENTLY NOT HAVING A LOCAL REPORT ON THE INCIDENT, BABENKO ALSO EVIDENTLY HAD NOT RECEIVED WORD OF THE VEST-VASEV DISCUSSION IN WASHINGTON ON THE SAME TOPIC. TOON

CONFIDENTIAL

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: DIPLOMATIC PERSONNEL HARASSMENT
Control Number: n/a
Copy: SINGLE
Draft Date: 28 jul 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978MOSCOW17670
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Expiration:
Film Number: D780310-0326
Format: TEL
From: MOSCOW
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t19780710/aaaaahup.tel
Line Count: 204
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: df32c06a-c288-dd11-92da-001cc4696bcc
Office: ACTION EUR
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 4
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: 78 MOSCOW 17596
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 20 jun 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 1843772
Secure: OPEN
Status: NATIVE
Subject: EMBASSY PROTESTS BURMAN INCIDENT
TAGS: PDIP, UR, US, (BURMAN, HAL)
To: STATE
Type: TE
vdkgvwkey: odhc://SAS/SAS.dbo.SAS_Docs/df32c06a-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
US Department of State
EO Systematic Review
20 Mar 2014
Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014